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Defendant(s).

ORDER

The court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. §636(b)(1)(A), (B), and (C) and Local Rules IB 3-1 and 3-2 and determines that the Order is not clearly erroneous or contrary to law, and will be affirmed, except as to the requirement to file an answer to the Second Amended Complaint; and, the Report of Findings and Recommendation of United States Magistrate Judge Leen should be accepted and adopted.

1 Defendant University Medical Center's objection merely seeks to preserve its right to
2 assert that Plaintiff has failed to state actionable claims. The Order and Report of Findings and
3 Recommendation of United States Magistrate Judge Leen has found that as a matter of law there are
4 certain legally sufficient claims asserted in the Second Amended Complaint. Any further motions
5 regarding those claims will be considered moot.

6 Defendant Marvasti objects to the sufficiency of service of process. The record reflects that she was
7 personally served with the First Amended Complaint on December 22, 2008 (#30, filed December
8 18, 2008), by Tod L. Miller, Deputy Chief of Public Safety.

9 IT IS THEREFORE ORDERED that the Order and Report of Findings and Recom-
10 mendation of United States Magistrate Judge (#44) are ACCEPTED and ADOPTED, Defendant's
11 Motion Emergency Motion for Clarification, And/Or Extension of Time to Respond to Complaint
12 (#33) is granted to the extent that University Medical Center is not required to file a responsive
13 pleading to Plaintiff's First Amended Complaint, but it shall respond to the Second Amended
14 Complaint pursuant to the Federal Rules of Civil Procedure.

15 IT IS FURTHER ORDERED that the Second Amended Complaint's causes of action
16 against Doe Defendants be DISMISSED for failure to state a claim upon which relief can be
17 granted.

18 IT IS FURTHER ORDERED that all claims against Defendants Dr. Marvasti, Nurse
19 Esther, and the Security Guards in their official capacities be DISMISSED for failure to state a
20 claim upon which relief can be granted.

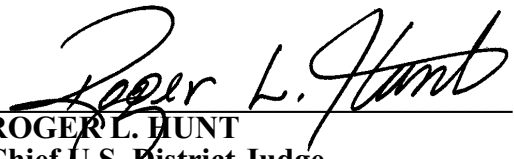
21 IT IS FURTHER ORDERED that the Clerk of Court shall deliver to Defendant Dr.
22 Miriam Marvasti, through her attorneys, either electronically or by mail, a copy of the Second
23 Amended Complaint.

24 IT IS FURTHER ORDERED that the date by which the Defendants shall file an
25 answer or other responsive pleading is extended to March 6, 2009.

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1 IT IS FURTHER ORDERED that Plaintiff shall cause the Second Amended
2 Complaint to be served pursuant to the Rules of Civil Procedure, following the previous instructions
3 given for the service of the First Amended Complaint, and that the time to serve the Second
4 Amended Complaint shall begin running from the entry of Judge Leen's Order and Report of
5 Findings and Recommendation.

6 Dated: January 18, 2009.

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9 **ROGER L. HUNT**
Chief U.S. District Judge